

## **REMARKS**

This is intended as a full and complete response to the Office Action dated June 18, 2008, having a shortened statutory period for response extended one month to expire on October 18, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 12-23 and 42 remain pending in the application upon entry of this Response. Claims 27-40, and 43-44 have been cancelled by the Applicant without prejudice. Claim 1 has been amended by the Applicant. No new matter is introduced in this amendment. Reconsideration of the claims is requested for reasons presented below.

### **Claim Rejections under 35 USC § 112**

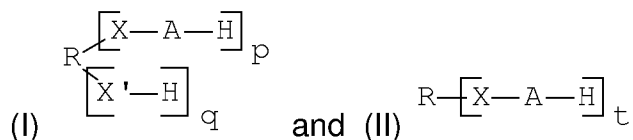
Claims 12-23 and 42 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner asserts that claim 12 recites that A may be comprised of A3 units in an amount of c, wherein c may be zero, and while at the same time the claim requires the amount of A3 to be at least 0.05 weight percent of the vegetable oil based polyol. For the purpose of examination the Examiner interpreted the claim as wherein c may be zero.

In response, the Applicant has amended claim 12 to recite that c is greater than 0 and less than 35. No new matter is introduced in this amendment. Support for the amendment can for example be found on page 17-, lines 16-18, where it says: "In a preferred embodiment, the VOB polyol has at least a portion of the polyol being comprised of A3 constituent." In order for the VOB polyol to have at least a portion be comprised of A3 constituent, c must be greater than 0. The Applicant respectfully requests the withdrawal of the rejection.

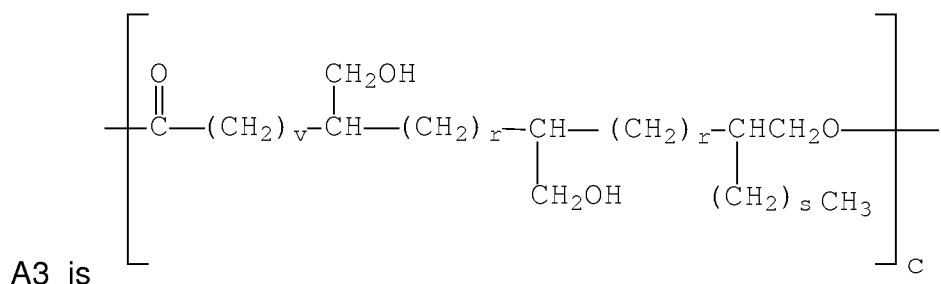
### Claim Rejections under 35 USC § 102

Claims 12-17, 19, 21-23, and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Peerman et al.* (U.S. Patent no. 4,543,369, hereinafter *Peerman*). The Applicant respectfully traverses the rejection.

Claim 12 recites subject matter not disclosed by *Peerman*. Claim 12 recites in part a polyol comprising



wherein A may be the same or different and is selected from the group consisting of A1, A2, and A3.



For the purposes of examination, the Examiner interpreted claim 12 as reciting wherein c may be zero. Thus, the Examiner's rejection is based examining a polyol which does not require the presence of A3.

As described above, claim 12 has been amended to recite that c is greater than 0 and less than 35. Additionally, the Applicant had in a prior paper amended claim 12 to recite that the amount of A3 is at least 0.05 weight percent of the vegetable oil based polyol.

*Peerman* does not disclose polyols containing units corresponding to A3. A3 units are formed from a starting fatty acid that contains 3 sites of carbon-carbon unsaturation. In the Applicant's process, hydroxymethyl groups are introduced at each of these sites, to form a trifunctional monomer unit. The A3 groups are formed when the trifunctional monomer unit is polymerized. According to column 4, lines 60 to 65, of *Peerman* such trifunctional monomer units are not formed in the *Peerman* process.

Instead, partial reduction occurs to form a mixture of isomers, which appear to be predominantly the difunctional isomers.

Because *Peerman* does not disclose units corresponding to A3 as recited in Applicants claim 12, *Peerman* fails to disclose each and every element of claim 12 and claims dependent therefrom. Withdrawal of the rejection is respectfully requested.

Claim 18 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Peerman* as applied to claims 12, 16, and 17, and further in view of *Rogier* (U.S. Patent no. 4,216,344). The Applicant respectfully traverses the rejection.

*Peerman* in view of *Rogier* fails to cure the deficiencies of *Peerman* to anticipate claim 12 as discussed above. Neither *Peerman* nor *Rogier* disclose units corresponding to A3 as recited in Applicants claim 12 and claim 18 dependent therefrom. Because *Peerman* and *Rogier* fail to disclose each and every element of claim 18, the Applicant respectfully requests the withdrawal of the rejection.

Claim 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Peerman* as applied to claims 12 and 19, and further in view of *Rogier*. The Applicant respectfully traverses the rejection.

*Peerman* in view of *Rogier* fails to cure the deficiencies of *Peerman* to anticipate claim 12 as discussed above. Neither *Peerman* nor *Rogier* disclose units corresponding to A3 as recited in Applicants claim 12 and claim 19 dependent therefrom. Because *Peerman* and *Rogier* fail to disclose each and every element of claim 20, the Applicant respectfully requests the withdrawal of the rejection.

### **Double Patenting**

Claims 12 stands provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 3 of copending

Application No. 11/665,097 (hereinafter '097). The Applicant respectfully traverses the rejection.

Claim 12 of Applicants present application is patentably distinct from claim 3 of Applicants '097 application. Claim 12 of the present application recites a vegetable oil based polyol while claim 3 of '097 recites a dispersion of polymer particles. The polymer particles of '097 are a polyurethane made by reacting, *inter alia*, a polyisocyanate and a hydroxymehtyl-containing polyester polyol derived from a fatty acid. Because claim 12 of the present application recites a polyol and claim 3 of '097 recites a dispersion of polymer particles the two claims are patentably distinct. Withdrawal of the rejection is respectfully requested.

Having addressed all issues set out in the Office Action, the Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

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Respectfully submitted,

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